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EXAMINER
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RASHID, MAHBUBUR

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOAKIM HARR

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Appeal 2009-002938  
Application 10/530,158  
Technology Center 3600

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Decided: October 29, 2009

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Before WILLIAM F. PATE, III, LINDA E. HORNER, and  
STEVEN D.A. McCARTHY, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*

DECISION ON APPEAL

Joakim Harr (Appellant) seeks our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b) (2002). We REVERSE.

The Appellant's claimed invention is to an apparatus and method for achieving braking in a swing damper used to support a tool suspended from a crane arm. Spec. 1:3-9. Claims 1 and 8, reproduced below, are representative of the subject matter on appeal (paragraphing and emphasis added).

1. A swing damping arrangement, particularly an arrangement pertaining to a swing damper (1) for supporting a tool (5) or working implement that hangs from a crane arm (2), wherein the damper (1) includes

an upper part (11) connected to the crane arm (2), and  
a lower part (12) which supports a tool (5) or working implement, either directly or via a rotator (4) for instance,

wherein the upper part (11) and the lower part (12) are pivotally connected to each other via a pivot joint (13), and

wherein the damper (1) includes a brake arrangement (50), characterised in that the brake arrangement (50) includes

a brake unit (60) having discs (70, 80) that can swing around the pivot axle (14) of the pivot joint (13),

*in that at least one (70) of said discs is secured against rotation relative to the upper part (11),*

*in that at least one (80) of said discs is secured against rotation relative to said lower part (12),*

in that the arrangement includes a tensioning element (90; 110; 130) which functions to press the discs (70, 80) together in a braking operation, and

in that the tensioning element (90; 110; 130) is located at least partially within one or two pivot bearings (46) located between the upper part (11) and the lower part (12).

8. A method relating to a swing damper, particularly to a swing damper (1) for carrying a tool (5) or working implement that hangs from a crane arm (2), wherein the swing damper (1) includes an upper part (11) which is connected to the crane arm (2), and a lower part (12) which carries a tool (5) or working implement, either directly or via a rotator (4) for instance, wherein the upper part (11) and the lower part (12) are pivotally connected together via a pivot joint (13), and wherein the swing damper (1) includes a brake arrangement (50), characterised in that

*swinging movement is braked by virtue of said upper part (11) being caused to entrain at least one disc (70) of a brake unit (60) as said part swings, and by virtue of the lower part (12) being caused to entrain at least one disc (80) of the brake unit (60) as said lower part (12) swings, and*

*in that the discs (70, 80) are pressed together by a tensioning element (90; 110; 130) in a braking operation where the tensioning element (90; 110; 130) is located at least partially within one or two pivot bearings (46) located between the upper part (11) and the lower part (12) .*

Appellant seeks review of the Examiner's rejection of claims 1-20 under 35 U.S.C. § 102(b) as anticipated by PCT Publication No. WO 00/53522 (published September 14, 2000) ("Harr"). The issue presented by this appeal is whether Appellant has shown the Examiner erred in finding that Harr discloses each and every element of independent claims 1 and 8.

Appellant argues the Examiner erred in rejecting claim 1 because "Claim 1 includes different structure and structural arrangement for damping the swinging movement of a tool, including a brake arrangement (50), ...

[wherein] at least one of the discs (70) is secured against rotation relative to the upper part (11) of the damper, and at least one of the discs (80) is secured against rotation relative to the lower part (12) of the damper ....”

App. Br. 7-8. Appellant argues the Examiner erred in rejecting claim 8 because “the method defined by appealed independent Claim 8 includes the steps of braking swinging movement of a tool as a result of the upper part 11 of the damper being caused to entrain at least one disc (70) of a brake unit (60) as the upper part swings, and the lower part (12) of the damper being caused to entrain at least one disc (80) of the brake unit (60) as the lower part swings....” App. Br. 8.

We agree with Appellant. While Harr discloses a twin disc brake arrangement for braking swinging movement of a swing damper (Harr, fig. 5), Harr fails to disclose in this twin disc brake arrangement that at least one of the discs is secured against rotation relative to the upper part of the damper, as called for in claim 1. Similarly, Harr fails to disclose in this twin disc brake arrangement that braking results from the upper part of the damper being caused to entrain at least one of the discs as the upper part swings, as called for in claim 8.

In particular, Harr discloses an embodiment of a swing damper having twin brake discs 90, 91. Harr 3, ll. 4-5; fig. 5. Harr discloses that brake discs 90, 91 are designed according to the same principles as brake disc 60 of figure 3. Harr 6, ll. 2-4. Harr discloses that the bottom edge 61 of brake disc 60 rests on an upper surface 17 of the bottom part 12 of the damper. Harr 4, ll. 8-10. Harr further discloses that the top part 11 of the damper has

a recess 19 which accommodates the brake disc 60. Harr 4, ll. 13-14. Brake discs 90, 91, as shown in figure 5, appear to have bottom edges that are flat and would similarly rest on an upper surface of the bottom part of the damper (not shown in figure 5). Likewise, the top part 11' of the damper shown in figure 5 has two recesses for accommodating the twin brake discs 90, 91. As such, it appears that both brake discs 90, 91 of the twin brake disc embodiment of figure 5 of Harr are secured against rotation relative to the bottom part of the swing damper and that the top part 11' of the swing damper of Harr does not entrain either of brake discs 90, 91 as the top part swings. As such, we cannot sustain the Examiner's rejection of independent claims 1 and 8, or their respective dependent claims 2-7 and 9-20, as anticipated by Harr.

Appellant has shown the Examiner erred in finding that Harr discloses each and every element of claims 1-20.

The decision of the Examiner to reject claims-1-20 is reversed.

REVERSED

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